

SENATE BILL REPORT

SB 5534

As Reported by Senate Committee On:
Government Operations & Elections, February 10, 2009

Title: An act relating to the restoration of the right to vote for people who were convicted of felonies.

Brief Description: Changing requirements for the restoration of the right to vote for people convicted of felonies.

Sponsors: Senators Kohl-Welles, Kline, Fairley, McDermott, Regala, Hargrove, Fraser and Kauffman.

Brief History:

Committee Activity: Government Operations & Elections: 2/09/09, 2/10/09 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

Minority Report: Do not pass.

Signed by Senators Roach, Ranking Minority Member; Benton and Swecker.

Staff: Aaron Gutierrez (786-7448)

Background: The Washington State Constitution prohibits people convicted of an "infamous crime" from voting unless their civil rights are restored. "Infamous crime" is defined as a crime punishable by death or imprisonment in a state correctional facility.

A county auditor must cancel a person's voter registration upon receiving official notice of that person's conviction from a state or federal court. The Secretary of State (SOS), in conjunction with appropriate state agencies, arranges for a quarterly comparison of a list of known felons with the statewide voter registration list. If a match is found, SOS or the county auditor suspends the voter registration and sends notice of the proposed cancellation to the last known registration address. If the person does not respond within 30 days, the registration is cancelled.

Upon conviction, a court must notify the defendant that:

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- the defendant's right to vote has been lost;
- any current registration will be cancelled;
- the right may be restored by order of the sentencing court, the Indeterminate Sentence Review Board, or the Governor; and
- voting before the right is restored is a class C felony.

Summary of Bill: For a person convicted of a felony, the right to vote is restored so long as the person is not under the authority of the Department of Corrections (DOC).

"Under the authority of the Department of Corrections" means serving a sentence of confinement in the custody of the DOC, or subject to community custody, community placement, or community supervision.

For a person convicted of a felony in federal court, or in the court of another state, the right to vote is restored if the person is no longer incarcerated.

At least twice per year, SOS must compare the list of registered voters with a list of felons currently under the authority of the DOC. If a match is found, notice is sent to both the last known voter registration address and the last known DOC address. Language requiring cancellation of voter registration if the person does not respond within 30 days is removed.

Upon conviction, a court must notify the defendant that:

- the defendant's right to vote has been lost;
- any current registration will be cancelled;
- the right is restored as long as the defendant is not under the authority of the DOC;
- the defendant must re-register before voting; and
- voting before the right is restored is a class C felony.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill encourages everyone possible to participate in government by helping to remove the disproportionate effect on people with lower incomes and people of color. Approximately 17 percent of African-Americans, and 10 percent of Latinos are prevented from voting. The right to vote should not be contingent on money. A bright line rule would help minimize the use of staff time spent interpreting the rules. This is in line with many other states. Civic engagement leads to lower rates of recidivism. The bill does not relieve the convicted person from financial obligations. A large number of people with some form of mental illness are convicted of a crime before being diagnosed. There is no single list of people ineligible to vote.

CON: By not requiring convicted felons to pay financial obligations, such as restitution, crime victim's compensation, and court fees, this will remove all incentives for felons to pay those debts.

OTHER: The elections office should not be deciding policy of who should have the right to vote, but the bill as drafted would make the process easier on elections' staff.

Persons Testifying: PRO: David Lord, Disability Right Washington; William Creperau, ACLU; Barbara Seitle, League of Women Voters; Reverend Paul Benz, Lutheran Public Policy Office; Katie Blinn, Office of the Secretary of State; Christie Perkins, Washington State Special Education Coalition; David Walker, Quaker; Tony Orange, NAACP, Seattle, Martin Luther King County.

CON: William Hoffecker, citizen.

OTHER: Kim Wyman, Thurston County Auditor, Washington Association of County Auditors.